

REMARKS

In the present application, claims 1, 27, 28, 30-34, and 39-46 are currently pending. Claims 27 and 28 are amended. An amended Abstract is also submitted herein. No new matter is presented. In view of the above amendments and the following remarks, Applicants respectfully request that the rejection of claims 1, 27, 28, and 30-34 be withdrawn and a notice of allowance be issued.

OBJECTION TO THE SPECIFICATION

The abstract of the disclosure is objected to for containing more than the allotted word limit. The abstract is amended to overcome the cited objection. Thus, Applicants request that the objection to the specification be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §112

Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph. Claims 27 and 28 are amended. No new matter is presented. Thus, in view of the amendments to claims 27 and 28, Applicants request that the rejection of claims 27 and 28 be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §102

Claims 1, 27, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. (U.S. Patent 5,092,893). The Examiner takes position that Smith discloses all the features recited in claims 1, 27, and 30-32. Applicants respectfully traverse the rejection of claims 1, 27, and 30-32.

Smith discloses a vertebra structural implant for connecting two or more vertebral bodies in axial and lateral directions having implant plates attached to opposing sides of the spinal column by studs with a cross brace between the implant plates to prevent slipping or rotating of the vertebrae being stabilized. The implant has openings with curved lips and the studs have spherical surfaces and fit freely through the openings to prevent angular misalignment between the studs and the plates to lessen stress on the studs. The implant has grooved lock washers and the cross brace has grooves which mate with grooves in the implant plates to lock the plates in position relative to the studs and to each other.

It is respectfully submitted that Smith fails to teach or suggest all the features recited in independent claim 1. Specifically, it is submitted that Smith fails to teach or suggest at least the feature of an artificial facet joint formed between the adjoining vertebral bodies by articulation of the artificial caudal facet joint structure with the artificial cephalad facet joint structure. In contrast to claimed invention, Smith discloses “a vertebra structural implant for connecting two or more vertebral bodies in axial and lateral directions having implant plates attached to opposed sides of the spinal column by studs with a cross brace between the implant plates to prevent slipping or rotating of the vertebrae being stabilized.” In other words, the device disclosed by Smith does not provide any articulation between the adjoining vertebral bodies. Rather, Smith discloses implants for fixating and causing fusion between the adjacent vertebra. The claimed invention, however, provides an artificial facet joint which enables articulation between adjacent vertebral bodies. Thus, it is submitted that Smith does not teach or suggest an artificial facet joint between adjoining vertebral bodies by articulation of the artificial

caudal facet joint structure with the artificial cephalad facet joint structure. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. 102(b).

Claims 27 and 30-32 are dependent upon claim 1. It is submitted that these claims recite patentable subject matter for at least the reasons mentioned above. Therefore, Applicants respectfully request that the rejection of claims 27, and 30-32 under 35 U.S.C. 102(b) be withdrawn.

CLAIM REJECTIONS UNDER 35 USC §103

Claims 28, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith. Applicants respectfully traverse the rejection of claims 28, 33, and 34.

Claims 28, 33, and 34 are dependent upon independent claim 1. It is submitted that Smith fails to teach or suggest all the features recited in the independent claim 1. Thus, it is submitted that dependent claims 28, 33, and 34 recite patentable subject matter for at least the reasons mentioned above. Therefore, Applicants respectfully request that the rejection of claims 28, 33, and 34 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

In view of the above amendments and remarks, Applicant submits that claims 1, 27, 28, and 30-34 believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorney to discuss any remaining issues. If any additional fee is required for entry of the present amendments, please charge such fee to GMEDELAWARE 2 LLC Deposit Account No. 50-4131.

Respectfully submitted,

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